

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

AFFIRMATION OF ELECTION

Applicants hereby affirm the election of Group I, claims 1-13 drawn to medical apparatus lease system for further prosecution on the merits, without traverse. Non-elected claims 14-18 have been canceled, without prejudice.

THE CLAIM AMENDMENTS

Claims 1-13 have been amended to more clearly recite that the apparatus and method of present invention relate to a leased medical apparatus using a lease fee system.

In addition, claims 1-13 have been amended to make minor grammatical improvements and/or to correct minor antecedent basis problems so as to put the claims in better form for issuance in a U.S. patent. In particular, it is noted that claim 3 and corresponding claim 9 have been amended to avoid the improper use of "for example" so as to overcome the rejection under 35 USC 112, second paragraph.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1-13 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,618,709 ("Sneeringer") and USP 5,830,121 ("Enomoto et al"). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

As recognized by the Examiner, Sneeringer discloses a system for computer network based monitoring of resource usage. More specifically, Sneeringer discloses a system which comprises a meter for measuring consumption of energy provided from an energy supplier and computer architecture for comparing a plurality of energy consumption statuses when a request from a user is received. In the system of Sneeringer, the total resource usage is measured, and the fee for an amount of resource usage is calculated. That is, the system disclosed in Sneeringer records resource usage, such as electricity, and calculates the cost for consumed electricity.

By contrast, the claimed present invention relates to an apparatus and method for calculating a lease fee for a leased medical apparatus using a lease fee system. And it is respectfully submitted that the apparatus and method of the claimed present invention are entirely different from the energy resource usage system of Sneeringer.

On page 6 of the Office Action, the Examiner acknowledges that the system of Sneeringer does not relate to medical apparatuses. Nevertheless, the Examiner asserts that Sneeringer suggests using the system thereof to monitor any resource usage. It is respectfully pointed out, however, that the resource usage to which Sneeringer relates is clearly a consumable energy resource such as electricity, natural gas or water and the like, and/or a capacity limited resource such as telecommunications, internet usage, radio usage, cellular usage or satellite usage and the like. (See column 13, lines 1-10 of Sneeringer.) These resources are consumed by the user, and it is respectfully submitted that the system of Sneeringer does not at all relate to calculating a lease fee for a leased medical apparatus using a lease fee system.

Enomoto et al, moreover, merely discloses an endoscope apparatus which records the number of times an endoscope is connected to a peripheral device and the usage operating time of the endoscope. And it is respectfully submitted that the teachings of this reference are not properly combinable with the teachings of Sneeringer to achieve the claimed present invention because, as described above, Sneeringer has nothing to do with calculating a lease fee for a leased medical apparatus using a lease fee system, as according to the claimed present invention. In this connection, it is noted that at the bottom of page 6 of

the Office Action the Examiner asserts that Sneeringer discloses at column 18, lines 1-36 determining whether equipment is failing or properly functioning. It is respectfully pointed out, however, that this disclosure in Sneeringer in fact relates to more efficiently determining the customer's energy consumption needs, and has nothing to do with monitoring usage of a leased apparatus such as a leased medical apparatus.

Still further, it is respectfully submitted that even if the teachings of Sneeringer and Enomoto et al were combinable in the manner suggested by the Examiner, the features of the claimed present invention would still be achieved or rendered obvious since neither of these references discloses calculating a lease fee for a leased medical apparatus based on usage status data using a lease fee system, as according to the claimed present invention.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended claims 1-13 patentably distinguishes over Sneeringer and Enomoto et al under 35 USC 103.

RE: SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

At the bottom of page 3 of the Office Action, the Examiner stated that the Japanese references cited by the applicants have not been considered and have not been made of record since a concise explanation of relevance of each document was not

provided. It is again respectfully pointed out, however, that these Japanese documents are discussed on pages 1-3 of the specification. This fact was pointed out in the Information Disclosure Statement filed with the original application papers, and it is respectfully submitted that this discussion of these Japanese documents in the specification constitutes a concise explanation of relevance.

Nevertheless, for the sake of completeness, submitted herewith is a Supplemental Information Disclosure providing the Examiner with English language Abstracts of the cited Japanese documents. And it is respectfully submitted that the discussion of these Japanese documents in the specification, together with the English language Abstracts submitted herewith, clearly constitutes an explanation of relevance, as required by the Examiner.

Accordingly, it is respectfully requested that JP 5-49647, JP 8-164145, JP 10-222568 and JP 10-177325 all be considered and made of record, and that an initialed copy of the form PTO/SB/08A submitted herewith be returned to the undersigned to confirm that these documents have been considered and made of record.

It is respectfully submitted, moreover, that no fee is required in connection with the Supplemental Information Disclosure Statement since the underlying documents were all

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timely and appropriately submitted in the Information Disclosure Statement filed along with the original application papers.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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